

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARCIAS. OLIVER,

Plaintiff,

07 Civ. 7196 (JGK)

- against -

ORDER

THE BANK OF NEW YORK, INC.,

Defendant.

JOHN G. KOELTL, District Judge:

The court received the defendant's motion to dismiss for failure to prosecute on September 17, 2009. The time to respond has passed and the plaintiff has failed to respond. The time for the plaintiff to respond is extended to November 2, 2009.

If the plaintiff does not respond by November 2, 2009, the Court will decide the motion on the papers that have been submitted. The plaintiff is advised that failure to respond may result in dismissal of this case for failure to prosecute, in which event the plaintiff will have no trial.

SO ORDERED.

Dated: New York, New York
October 12, 2009


John G. Koeltl
United States District Judge

